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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,710	12/26/2001	Isaac Daniel McIntosh White	60027.0087US01/BS01328	4179
23552	7590	02/27/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,710

Applicant(s)

WHITE, ISAAC DANIEL
MCINTOSH

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 6 rejected under 35 U.S.C. 102(e) as being anticipated by Dickens Pub.

No.: U.S. 2003/0100219 A1.

Regarding claim 6. Dickens teaches an telecommunications access terminal, wherein the access terminal connects a plurality of twisted pairs with a telecommunications network (see cross-connect box, paragraph [0002]), comprising:

a metal enclosure enclosing a plurality of binding posts (see and binding posts, paragraphs [0005]-[0007]);

a plurality of biding posts connected to the plurality of twisted pairs (see paragraph [0005] wherein tip and ring wires of each pair are connected to respective pairs of binding posts); and

a twisted pair status indicator (see binding post marker #14 figures 1-4 and paragraph [0028] used to indicate status of "grounded", "open", "defective", "open tip", "open ring" etc. so service technician can quickly determine status of twisted pair).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickens (Pub. No.: U.S. 2003/0100219 A1) in view of Nepovim (5,692,452).

Regarding claims 1 and 12. Dickens teaches an telecommunications access terminal, wherein the access terminal connects a plurality of twisted pairs with a telecommunications network (see cross-connect box, paragraph [0002]), comprising:

a metal enclosure enclosing a plurality of binding posts (see and binding posts, paragraphs [0005]-[0007]);

a plurality of biding posts connected to the plurality of twisted pairs (see paragraph [0005] wherein tip and ring wires of each pair are connected to respective pairs of binding posts); and

a twisted pair status indicator (see binding post marker #14 figures 1-4 and paragraph [0028] used to indicate status of "grounded", "open", "defective", "open tip", "open ring" etc. so service technician can quickly determine status of twisted pair).

Dickens does not show using indicator located on the cross-connect box.

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Nepovim teaches a distribution box (see figures 1-5) wherein a sliding mechanism (#28 figure 3) having predetermined label (#34 figure 1) is used to convey status values of ports located inside the box. Nepovim discloses the installer uses figure tabs (#31 figure 2) allowing the predetermined label to slide to desired status indicator position so that anyone later inspecting the distribution box will be able to read the status of the ports located inside the distribution box when mounted above the ground or on pedestal (col. 2 lines 27-31).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the cross-connect box as taught by Dickens to include an external status indicator as taught by Nepovim so that anyone later inspecting the cross-box mounted high in the air (see figure 4 of Nepovim) will be able to determine the status of ports while standing on the ground.

Regarding claims 2 and 13. Nepovim teaches the finger tabs (i.e. locking mechanism) must first be loosened so that the sliding mechanism (#28 figure 3) can be moved.

Regarding claims 3, 8 and 14. Dickens teaches the indicator is text (see paragraph [0028] wherein free or "open" indicates binding posts available and "short" indicates not available).

Regarding claims 4, 9 and 15. Dickens teaches the indicator is color (see paragraph [0029] wherein free or "open" indicated by green and red used to indicate not available).

Regarding claims 5, 10 and 16. Nepovim also shows indicator is number (see #34 figure 1).

Regarding claim 7. Dickens does not show using indicator located on the cross-connect box.

Nepovim teaches a distribution box (see figures 1-5) wherein a sliding mechanism (#28 figure 3) having predetermined label (#34 figure 1) is used to convey status values of ports located inside the box. Nepovim discloses the installer uses figure tabs (#31 figure 2) allowing the predetermined label to slide to desired status indicator position so that anyone later inspecting the distribution box will be able to read the status of the ports located inside the distribution box when mounted above the ground or on pedestal (col. 2 lines 27-31).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the cross-connect box as taught by Dickens to include an external status indicator as taught by Nepovim so that anyone later inspecting the cross-box mounted high in the air (see figure 4 of Nepovim) will be able to determine the status of ports while standing on the ground.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickens (Pub. No.: U.S. 2003/0100219 A1) in view of Nepovim (5,692,452) further in view of U.S. 391,185 (J.C. Parker).

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Regarding claim 11. Claim 11 does not contain any additional features, which, in combination with the features of claim 1 would lead to a novel subject matter. The Examiner notes that using a flag to signal, as defined in claim 11, would have been an obvious measure for one of ordinary skill in the art.

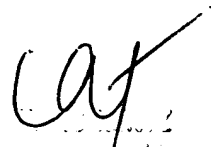
If not, J.C. Parker teaches an extremely old and well-known method of signaling that employs a flag (see figure 1) for attracting nearby person.

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify "defective" twisted pair indicator as taught by Dickens in view of Nepovim to us a flag as taught by J.C. Parker so that anyone later inspecting the cross-box will be able to determine the "defective" twisted pair still needs to be serviced.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.



Barry W. Taylor
Examiner